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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 51/2022**

CHITRA KHURANA & ANR.Plaintiffs

Through: **Ms. Geetika Kapur, Advocate**

versus

VEERESH MALIKDefendant

Through: **Mr. Pulkit Deora, Advocate**
Mr. Anurag Ahluwalia, CGSC with
Mr. Shubham Sachdeva and Mr.
Abhay Singh, Advocates for UOI
Mr. Sanjiv Kakra, Sr. Adv., Local
Commissioner in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 22.07.2024

1. The learned Local Commissioner has handed over his second report dated 22.07.2024. He states that the directions with respect to transfer of funds from Central Bank of India to the Registrar General of this Court issued vide order 16.04.2024 at paragraph 3(i) have been implemented and complied with.

1.1. He states that, however, the directions at paragraph 3(iv) and 3(v) of the order dated 16.04.2024 with respect to mutation of the suit property in favour of the plaintiffs and defendant with the L&DO has not been implemented and in this regard, he has drawn this Court's attention to Document no. 3 and Document no. 5 of the report, which are letters issued by the concerned Officer of L&DO to the Local Commissioner.



2. He states that L&DO by its actions in this present matter has failed to appreciate the material distinction with respect to the fact that there is a preliminary decree in favour of the plaintiffs and defendant duly declaring their ownership rights of 1/3rd share each in the suit property. He states that, instead, L&DO in a perfunctory manner is asking the plaintiffs and the defendant to comply with the SOP published by the department on 03.08.2023 which would ordinarily apply to the parties who do not have the orders of a competent Court in their favour.

3. He, therefore, prays that an appropriate direction be issued to L&DO to act upon the preliminary decree dated 19.10.2023 passed by this Court for recording of the mutation without insisting upon the compliance of the clauses in SOP dated 03.08.2023, which are superfluous in this case. He states that the clauses which are redundant in this matter have been identified and explained to the learned standing counsel appearing for L&DO.

4. In response, learned counsel for L&DO states that he proposes that a meeting be held between the learned Local Commissioner and the concerned officer of L&DO on 23.07.2024 at 3:00 P.M. at the office mentioned in the earlier letter dated 03.07.2024.

5. This Court notes that the learned counsel for the plaintiffs has stated that the property already stands registered with L&DO and has been allotted the property ID No. 50798. The said fact is taken on record.

6. This Court has considered the submissions of the parties. The L&DO is directed to take appropriate steps for facilitating the compliance of the effect of the preliminary decree dated 19.10.2023 and the order dated 16.04.2024. The directions in the order dated 16.04.2024 mandate L&DO to



record the mutation and any further steps required by L&DO have to be in furtherance of implementation of the orders of this Court. While all necessary documents will be executed by the parties, no formality which has become redundant on account of preliminary decree dated 19.10.2023 will be insisted upon by L&DO.

7. At request of learned standing counsel, list on 06.08.2024.
8. A copy of this order be sent by email to the Local Commissioner and learned standing counsel for Union of India.
9. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JULY 22, 2024/msh/MG